S.B.CIVIL WRIT PETITION NO. 3488/2007
Birma Ram Vs. State of Rajasthan & Ors.

DATE OF ORDER :: 3.8.2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Sunil Beniwal, for the petitioner.
Mr. B.L. Tiwari, Dy. Govt. Advocate.

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The petitioner was unanimously selected for allotment of fair price shop dealership at village Pipaliya in Tehsil – Khinvsar as a consequent to selection proceedings conducted on 5.12.2006. The Dy. Commissioner, Department of Foods, Civil Supply and Consumer Affairs by an order dated 10.5.2007 cancelled the selection of the petitioner and ordered for re-advertisement by holding that the selection of the petitioner was not unanimous. While assailing validity of the decision of the Dy. Commissioner the contention of learned counsel for the petitioner is that the petitioner was selected for grant of fair price shop dealership unanimously as it appears from the document Annexure-5 dated 5.12.2006, and therefore, there was no reason to cancel the allotment already made in his favour.

No reply to the writ petition has been filed. With the consent of the parties matter was heard finally. From perusal of the document Annexure-6 it is apparent that the petitioner is a former defence

personnel and is a member of Other Backward Class and he was selected for grant of fair price shop unanimously by the selection committee. There is nothing on record that may suggest that the averment contained in the document Annexure-5 regarding unanimous selection of the petitioner is wrong or fabricated.

In view of it, the position emerges is that the reason given for cancelling allotment of fair price shop dealership to the petitioner is not just. The petition for writ, therefore, deserves acceptance, and therefore, the same is allowed. The order dated 10.5.2006 passed by the Dy. Commissioner, Department of Food, Civil Supply & Consumer Affairs is quashed to the extent it relates to cancellation of allotment of fair price shop to the petitioner and for issuing fresh notification for allotment of fair price shop at distribution center – Pipaliya, Gram Panchayat- Pipaliya, Tehsil- Khinvsar, Distt. Nagaur.

(GOVIND MATHUR),J.

jgoyal